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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,544	04/15/2004	Biagio Ravo	3082-003A	8869
37999	7590	03/29/2005	EXAMINER	
DEWITT ROGGIN PLLC 12 E. LAKE DRIVE ANNAPOLIS, MD 21403			SIRMONS, KEVIN C	
			ART UNIT	PAPER NUMBER
			3763	
DATE MAILED: 03/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,544	Applicant(s) RAVO, BIAGIO CB	
	Examiner Kevin C. Sirmons	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 29, 30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 24, 26-28 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 21-23, 25, 29, 30, 32 and 33 rejected under 35 U.S.C. 102(b) as being anticipated by Sahota U.S. Pat. No. 5,951,514.

Sahota discloses an intraluminal device comprising: an elongated body member (52), the elongated body member having at least three independent inflatable sections (figs. 9 and 10) along the length of the body member, wherein the independent sections are axially spaced along the body member with one of said at least three inflatable section extends to a distal end of the body member and a second of said at least three inflatable sections extends to a proximal end of said body member (fig. 10) and each inflatable section is axially fixed relative to the remainder of the axially spaced inflatable sections (figs. 9-10), and wherein each inflatable section is designed to give shape to a collapsed viscus by acquiring its distended form when the inflated section is in the inflated condition (figs. 9-10); at least one tube (60, 70, 72 and/or 20) positioned between the adjacent inflatable section, wherein each adjacent inflatable section extends around the entire circumference of the body (figs. 9 and 10), and wherein the tube has an opening at one end thereof positioned at a peripheral portion of the device between the adjacent inflatable sections (36, 56 and/or 20) and wherein the tube

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extends from the opening at the one end to a distal end of the body member, wherein the tube (of Sahota is fully capable of being attached to a suction or fluid source); and means for independently inflating each individual inflatable section to give shape to a collapsed viscus by acquiring its distended form when the inflatable section is in the inflated condition (col. 7); as to claim 22, (as to claim 22, (figs. 8-16); as to claim 23, (col. 7); as to claim 25, (figs. 8-16); as to claims 29-30, (figs. 8-16); as to claim 32, (see above rejections); as to claim 33, (see above rejections).

Allowable Subject Matter

Claims 24, 26-28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 34 is allowable over the prior art of record.

Response to Amendment

Claim Objections

Applicant appears to have overcome the objections. Therefore, the objections have been withdrawn.

Response to Arguments

Applicant's arguments filed 1/21/05 have been fully considered but they are not persuasive.

Claims 22-32 ultimately depend from claim 21, which has an element a first one of the inflatable sections extending to a distal end of the body member (fig. 10) and a second of the inflatable sections extending to a proximal end of the body member (fig. 10). Sahota clearly discloses and suggest such inflatable sections extending to the proximal and distal ends of the body member. In fact, Sahota specifically displays the teaching in fig. 10. For at least this reason, claims 22-32 are not allowable over Sahota.

Additionally, Sahota clearly teaches how claims 22, which recites that the body member is a sleeve, is anticipated by Sahota, because the examiner regards the body member (52) as a sleeve and anything within the sleeve can be regarded as an existing intraluminal tool. Furthermore, the device of Sahota is fully capable of fitting over an existing intraluminal tool.

Claim 33, which is similar to claim 21 with the exception of the inflatable sections extending along substantially all of the length of the body member rather than the claim language referenced, above likewise **is not distinguishable** from Sahota as the inflatable members of Sahota clearly extend along substantially all of the length of the body member (figs. 9 and 10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C. Sirmons whose telephone number is 571-272-4965. The examiner can normally be reached on Monday-Friday 6:30-4:00 ALT FRI.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Sirmons
Primary Examiner
Art Unit 3763

Kevin C. Sirmons
3/22/05
KCS